

REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA

THE CALIFORNIA PUBLIC UTILITIES COMMISSION
CAN IMPROVE ITS REGULATION OF LIMOUSINE OPERATORS

REPORT BY THE
OFFICE OF THE AUDITOR GENERAL

P-826

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JANUARY 1989



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Kurt R. Sjoberg
Acting Auditor General

January 25, 1989

P-826

Honorable Elihu M. Harris, Chairman
Members, Joint Legislative
Audit Committee
State Capitol, Room 6005
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning the California Public Utilities Commission's regulation of operators of limousine services. We found that while the commission has taken enforcement actions against illegal operators, additional efforts are needed to ensure that all limousine operators comply with state law.

Respectfully submitted,

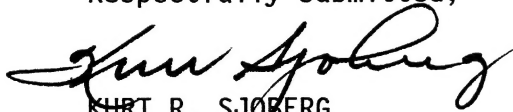

KURT R. SJOBERG
Acting Auditor General

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SUMMARY

RESULTS IN BRIEF

The California Public Utilities Commission (commission) can improve its regulation of operators of limousine services. Although state law requires limousine operators to obtain permits from the commission before conducting business, we found that the commission has not identified all operators who are not complying with this law. In addition, while the commission has taken enforcement actions against many limousine operators who have violated state law, it does not ensure that operators stop conducting business when they no longer have adequate insurance coverage.

BACKGROUND

The commission is responsible for regulating privately owned public utilities and transportation companies. Limousine operators must obtain permits from the commission before they can transport people in exchange for compensation in California. We project that the commission has issued permits to between 739 and 812 limousine operators in California. To qualify for permits, these operators must demonstrate that they are financially sound and carry adequate liability insurance. In addition, operators must certify that they maintain their vehicles in safe operating condition and will comply with all safety-related statutes and regulations. Limousine operators must pay filing fees of \$500 with their initial applications for permits, and thereafter, operators must pay annual renewal fees of \$300. In addition, limousine operators must pay annually a percentage of their self-reported gross income. These payments are deposited into the

Public Utilities Commission Transportation Reimbursement Account (PUCTRA) and are used to support the commission's regulation of transportation companies. The total amount paid into the PUCTRA for annual fees during fiscal year 1987-88 by all passenger carriers was approximately \$3.8 million.

PRINCIPAL FINDINGS

The California Public Utilities Commission
Has Not Identified all Limousine Operators
Who Conduct Business Illegally

State law requires all limousine operators to obtain permits before conducting business. However, during our audit we found that the commission has not identified all limousine operators who conduct business without valid permits. We reviewed 280 businesses advertising limousine services in the yellow pages of telephone directories for the Los Angeles, Sacramento, and San Francisco areas and could find no evidence that 46 of these businesses had complied with this law. Operators who do not possess valid permits may not be complying with insurance and safety requirements. The chief of the commission's Compliance and Enforcement Branch has stated that the commission has not had enough staff to identify all operators who are conducting business illegally. Since October 1988, the commission has transferred or added a total of six positions to the branch. As of January 1989, the commission had filled five of these positions, all of which can be used to increase the branch's efforts to identify illegal operators.

The California Public Utilities Commission
Does Not Always Ensure That Limousine
Operators Without Adequate Insurance
Stop Conducting Business

The commission's field offices are required to conduct follow-up activities to ensure that operators who violate state law stop conducting business. The commission's central office and the three field offices that we reviewed have taken enforcement actions against many limousine operators who have violated state law. However, we found no evidence that field office staff conducted follow-up activities in 35 of the 74 cases that we examined in which the commission had suspended or revoked an operator's permit because of lack of insurance. Moreover, 7 of these operators indicated during telephone inquiries that they were providing limousine services as of December 1988. When the field offices do not follow up in such cases, the public may unknowingly procure uninsured limousine services. The chief of the commission's Compliance and Enforcement Branch has stated that the commission cannot always conduct follow-up activities because of very limited resources. Since October 1988, the commission has transferred or added a total of six positions to the branch. As of January 1989, the commission had filled five of these positions, all of which can be used to increase the branch's enforcement activities against illegal operators.

RECOMMENDATIONS

To ensure that all limousine operators comply with state law, the California Public Utilities Commission should take the following actions:

- Fulfill its obligations under Chapter 916, Statutes of 1988, and identify all operators who do not have valid permits yet who advertise in the yellow pages of telephone directories;

- Require all limousine operators who list their services in the yellow pages of telephone directories to display their permit numbers; and
- Determine whether the Transportation Division's Compliance and Enforcement Branch has sufficient staff to enforce state law. If additional staff is required, the commission should either reassign current staff to the branch or collect additional fees from passenger carriers to pay for increased staff.

AGENCY COMMENTS

The California Public Utilities Commission agrees with the findings and recommendations in our report.

INTRODUCTION

The California Public Utilities Commission (commission) is responsible for regulating privately owned public utilities and transportation companies. Several different types of transportation companies are under the commission's jurisdiction, including highway carriers, charter-party carriers of passengers, and commercial air carriers. The commission's objective in regulating passenger transportation is to ensure that passenger carriers provide adequate and dependable transportation that meets public demand. For fiscal year 1988-89, the commission has a total budget of approximately \$69 million; approximately \$3.7 million of this is for regulating passenger carriers.

Permit Requirements for Charter-Party Carriers

The Public Utilities Code defines charter-party carriers of passengers as "every person engaged in the transportation of persons by motor vehicle for compensation . . . in this state." Charter-party carriers do not regularly serve the general public but instead provide service under contract or conduct transportation services incidental to another business. State law requires that certain types of charter-party carriers obtain permits from the commission before they can conduct business in California. Included among these charter-party carriers are operators "using only vehicles under 15-passenger seating

capacity and under 25 feet in length." Virtually all limousine-for-hire services fit this description and are therefore subject to this requirement.

To comply with state law, each operator of a limousine-for-hire service must apply annually to the commission for a charter-party permit. Based on our audit work, we project that, in California, between 739 and 812 operators of limousine services have permits. We cannot estimate the number of operators who conduct business without permits.

To apply for a permit, an operator must tell the commission the business owner's name and the location from which the vehicles will be operated. In addition, applicants are required to attest that their vehicles comply with safety-related statutes, regulations, and rules, including those of the California Highway Patrol and the California Department of Motor Vehicles. Applicants must also agree to hire only drivers who are licensed for the type of vehicle they will be operating. Finally, applicants must demonstrate that their limousine businesses are financially sound and that they carry adequate liability insurance. At present, the commission requires a minimum of \$750,000 of liability coverage for any vehicle seating 7 passengers or less and a minimum of \$1.5 million for any vehicle seating 8 to 15 passengers.

The Tariff and License Branch of the commission's Transportation Division is responsible for processing applications for charter-party permits. An operator of a limousine business who is applying for a permit for the first time must pay a \$500 filing fee. Every year thereafter the operator must pay a \$300 renewal filing fee. If an operator of a limousine business is late in applying for a renewal, the operator must pay a \$500 refiling fee instead. During fiscal year 1987-88, the commission collected approximately \$1.6 million in permit fees from all passenger carriers combined. Based on our audit work, we project that limousine operators contributed between \$303,500 and \$315,500 of this amount.

The commission may suspend or revoke an operator's permit for violating any of the provisions of state law governing charter-party carriers or any of the rules that the commission has established for regulating operators of limousine services. Violations that could result in such action include failure to pay fees to the commission, consistent failure to maintain vehicles in safe operating condition, and failure to maintain adequate insurance coverage. If an operator takes corrective action and satisfies the commission that the violation no longer exists, the commission may reinstate the operator's permit.

Regulation of Charter-Party Carriers

Sections 421 et seq. of the Public Utilities Code require the commission to establish an annual fee at a uniform rate for all charter-party carriers to support the commission's regulation of privately owned transportation companies. The amount of revenue that the commission collects from the payment of these fees directly affects the thoroughness with which the commission can regulate transportation companies. The code requires the commission to collect this fee annually from all operators reporting annual gross intrastate revenues of \$100,000 or less and quarterly from operators reporting annual gross intrastate revenues of more than \$100,000. Further, the code requires the commission to deposit these fees into the Public Utilities Commission Transportation Reimbursement Account (PUCTRA).

To determine the percentage of gross revenue that operators must pay as an annual fee, the commission sends revenue statements to all passenger carriers and related businesses with permits, who then submit financial data about their businesses to the commission. For fiscal year 1987-88, the commission established a fee at a uniform rate of one percent of each passenger carrier's gross revenue, including limousine operators, with a 25 percent penalty for late payments.

Based on our audit work, we estimate that, for fiscal year 1987-88, all of the operators of limousine businesses with permits reported approximately \$34 million in gross revenues and contributed

approximately \$350,000 in annual fees and penalties for deposit into the PUCTRA. In addition, for fiscal year 1987-88, from all passenger carriers and related businesses combined, the commission collected approximately \$3,830,000 in annual fees for the PUCTRA.

The Transportation Division's Compliance and Enforcement Branch (branch) has primary responsibility for enforcing the statutes and regulations governing all charter-party carriers of passengers, including operators of limousine services. The branch has staff assigned to the commission's central office in San Francisco as well as to 19 field offices throughout the State.

The commission's central office and field office staff conduct the investigations that result from complaints of alleged violations by operators of limousine services. These complaints may allege a variety of violations, ranging from the failure to display a permit number to conducting business without a permit. If an investigation substantiates one of these allegations, commission staff can take action against the operator. These actions, which include issuing citations, filing misdemeanor complaints, or levying a fine and initiating a civil suit to recover it, may result in significant fines against operators who commit violations.

SCOPE AND METHODOLOGY

The purpose of our audit was to review the commission's regulation of operators of limousine services. To gain an understanding of the commission's obligations and authority in this area, we reviewed relevant portions of state law and regulations. We also reviewed the policy and procedures manuals of the commission's Transportation Division. In addition, we conducted interviews with commission staff who are responsible for regulating the activities of limousine operators.

State law does not define a limousine operator. Therefore, for the purposes of this audit, we defined limousine operators as businesses providing for-hire transportation services in particular types of motor vehicles: Cadillacs, Mercedes Benzs, Lincolns, Rolls Royces, Jaguars, and Bentleys. We specifically did not consider vans or buses to be limousines. However, if a business provided limousine services predominantly, yet also provided services in some other vehicles, we considered the business a limousine operator.

To determine whether the commission issued permits only to those operators of limousine services complying with the requirements specified in state law, we reviewed 589 of the 1,175 files that the commission maintained for the permit categories under which such operators would be classified. We found that 389 of these files

satisfied our definition of a limousine operator. We also found that the commission generally issues permits only to those operators who meet the requirements of state law.

To determine whether the commission collected the correct amount of permit fees during fiscal year 1987-88, we verified the amount that the commission recorded in the licensing file. To verify the amount of annual fees that limousine operators paid during fiscal year 1987-88, we examined the billing statements of the commission's Management Services Division. We then compared these statements with the commission's records of payment for each limousine operator in our sample.

We also reviewed summary data for the six audits of limousine operators that the commission conducted between 1984 and 1986. The commission has not conducted any such audits during the past two years. We did not conduct any financial audits of limousine operators during our review.

To determine whether limousine operators who advertise their services in the yellow pages of telephone directories in the Los Angeles, Sacramento, and San Francisco areas have valid permits, we checked the names of businesses advertising in five directories that three companies publish for these areas against the commission's master list of permit holders as of October 4, 1988. Whenever the permit number of an advertised operator did not appear on the master list, we

attempted to obtain the permit number in a telephone interview. In January 1989, we verified with the commission's Transportation Division the permit numbers that we had obtained by telephone.

Finally, to determine whether the commission is taking enforcement actions against limousine operators who violate state law, we visited the commission's central office in San Francisco and field offices in Los Angeles, Sacramento, and San Bruno. We reviewed all of the files on limousine operators in Sacramento and samples of such files in Los Angeles, San Bruno, and San Francisco. From these files, we determined the types of alleged violations and the commission's disposition of the allegations.

AUDIT RESULTS

I

THE CALIFORNIA PUBLIC UTILITIES COMMISSION HAS NOT IDENTIFIED ALL LIMOUSINE OPERATORS WHO CONDUCT BUSINESS ILLEGALLY

State law requires all limousine operators to obtain permits from the California Public Utilities Commission (commission) before conducting business. However, we found that the commission has not identified all limousine operators who conduct business without permits. We reviewed 280 businesses advertising limousine services in telephone directories for the Los Angeles, Sacramento, and San Francisco areas and could find no evidence that 46 of these businesses had complied with this law. Operators who do not possess valid permits may be using uninsured and possibly even unsafe vehicles. In addition, they do not pay the required fees to the commission to support the regulation of their industry.

Section 5371 of the Public Utilities Code requires operators of limousine services to obtain permits from the commission before they conduct business. In addition, Section 5386 of the code requires every written or oral advertisement for limousine services to state the operator's permit number. Finally, a recently enacted law, Chapter 916, Statutes of 1988, effective January 1, 1989, requires that

the commission review all limousine services advertising in the yellow pages of telephone directories to identify operators who are conducting business without permits.

Our audit work showed that the commission has not identified all limousine operators who conduct business without valid permits, in violation of state law. In our review of 280 limousine services listed in the yellow pages of five telephone directories in the Sacramento, San Francisco, and the Los Angeles areas, we were able to verify valid permit numbers for 189 of these operators. However, we could not find any documentation that indicated that 46 of these operators had valid permits. The remaining 45 operators were no longer in business. The results of this survey are summarized in Table 1.

TABLE 1
RESULTS OF REVIEW OF LIMOUSINE OPERATORS LISTED
IN THE YELLOW PAGES OF TELEPHONE DIRECTORIES
DECEMBER 1988

	<u>Los Angeles</u>	<u>Sacramento</u>	<u>San Francisco</u>	<u>Total</u>
A - Operators in sample	97	46	137	280
B - Operators with permit number displayed in yellow page ad	47	28	98	173
C - Operators without permit number displayed in yellow page ad	50	18	39	107
D - Operators with active permits	62	29	98	189
E - Operators no longer in business ^a	20	11	14	45
F - Operators for whom we could not confirm active permits	15	6	25	46

NOTE: B and C total to A, and D, E, and F total to A.

^a Includes eight cases in which operators have applied for permits but the commission has not yet issued them.

Operators of limousine services who advertise without including their permit numbers may possess valid permits; however, such advertising is a direct violation of state law. In our review of the five directories, we found that operators of limousine services do not always display their permit numbers in this form of written advertisement. In our sample of 280 operators, 107 of the operators listed in these directories did not display a permit number. Furthermore, we examined two additional directories published for the Los Angeles area and found that listings for limousine services in these directories generally do not include permit numbers. One of the

companies that issues these directories publishes large advertisements for limousine services without always stating the operators' permit numbers.

The chief of the commission's Compliance and Enforcement Branch stated that several factors have contributed to the commission's inability to identify all illegal operators. These include inadequate staffing and the need to spend available resources responding to specific complaints about unlawful operators. Since October 1988, the commission has transferred or added a total of six positions to the branch. As of January 1989, the commission had filled five of these positions, all of which can be used to increase the branch's efforts to identify illegal operators.

To retain valid permits, operators of limousine services must maintain safe vehicles and carry adequate insurance coverage. If limousine operators who do not possess valid permits advertise in the yellow pages of telephone directories, the public may unknowingly procure uninsured or even unsafe limousine services. In addition, operators who conduct business without valid permits do not pay the required fees to the commission to support the regulation of their industry.

CONCLUSION

State law requires all limousine operators to obtain permits from the California Public Utilities Commission before conducting business. However, we found that the commission has not identified all limousine operators who conduct business without permits. We reviewed telephone directories for the Los Angeles, Sacramento, and San Francisco areas and found that some operators are not complying with this law. Operators of limousine services who do not possess valid permits may be using uninsured and possibly even unsafe vehicles and do not pay the required fees to the commission. The chief of the commission's Compliance and Enforcement Branch has stated that the branch has not had sufficient staff to identify all operators who are conducting business illegally.

RECOMMENDATIONS

To ensure that none of the limousine operators advertising their services in the yellow pages of telephone directories are operating without valid permits, the California Public Utilities Commission should take the following actions:

- Fulfill its obligation under Chapter 916, Statutes of 1988, by identifying operators who are conducting business without permits. If the number of staff currently assigned to the Transportation Division's Compliance and Enforcement Branch is not adequate to meet this obligation, the commission should either reassign additional staff to the branch or collect additional fees from passenger carriers to pay for increased staff; and
- Require all limousine operators to display their permit numbers in paid advertisements in the yellow pages of telephone directories. In addition, the commission should strongly encourage all publishers of telephone directories in California to assist the commission in its efforts to enforce Section 5386 of the Public Utilities Code, which governs this activity.

II

THE CALIFORNIA PUBLIC UTILITIES COMMISSION DOES NOT ALWAYS ENSURE THAT LIMOUSINE OPERATORS WITHOUT ADEQUATE INSURANCE STOP CONDUCTING BUSINESS

The commission's field offices are required to conduct follow-up activities to ensure that limousine operators who violate state law stop conducting business. The three field offices that we visited did take enforcement actions against many limousine operators who violated state law. However, in our review of 74 cases in which the commission suspended or revoked an operator's permit because the operator lacked proof of insurance, we could find no evidence that field office staff conducted follow-up activities in 35 of the cases. Moreover, 7 of these operators were providing limousine services illegally as of December 1988. Consequently, the public may unknowingly procure uninsured limousine services.

Section 5391 of the Public Utilities Code requires limousine operators to carry adequate liability insurance. If an operator of a limousine service violates this statute, Section 5378 of the code authorizes the commission to suspend or revoke the operator's permit. When the commission's central office notifies field office staff that such an action has been taken, the procedures manual, Section B-120, of the commission's Compliance and Enforcement Branch requires that staff

conduct follow-up activities, such as contacting the operator after a 30-day waiting period, to ensure that the operator has ceased conducting business.

During our visits to three field offices, we found documentation indicating that staff have taken significant enforcement actions against limousine operators who have violated state laws. As a result of these actions, operators stopped conducting business, paid fines, or both. As Table 2 shows, the Los Angeles field office filed the most court actions against limousine operators while the San Bruno office issued the greatest number of citations.

TABLE 2
ENFORCEMENT ACTIONS AGAINST LIMOUSINE OPERATORS
JANUARY 1987 THROUGH OCTOBER 1988

<u>Field Office</u>	<u>Court Actions Taken</u>	<u>Citations Issued</u>
Los Angeles	47	4
Sacramento	0	2
San Bruno	<u>2</u>	<u>5</u>
Total	<u>49</u>	<u>11</u>

Staff assigned to the Compliance and Enforcement Branch in the commission's central office have also participated in enforcement actions against limousine operators. In addition to the field office actions in Table 2, central office staff have filed a total of 12

misdemeanor complaints and temporary restraining orders and issued two citations since 1987 for the Sacramento and San Francisco areas. Finally, in November 1988, the Los Angeles city attorney, in conjunction with the commission's Los Angeles field office and central office staff, filed lawsuits against five operators who did not have valid permits, seeking civil penalties from each.

We reviewed two samples, each of at least 30 enforcement files involving suspended or revoked permits, at the San Bruno and Los Angeles field offices and all 29 enforcement files at the Sacramento field office, for a total of 89 cases. As Table 3 shows, in 74 of these 89 cases, the commission suspended or revoked the operator's permit because of the lack of insurance coverage. However, in 35 of these 74 cases, we could not find evidence that field office staff had conducted follow-up activities. Moreover, we were able to contact 11 of these 35 operators by telephone and learned that 7 were conducting business as of December 1988 without valid permits.

TABLE 3
RESULTS OF REVIEW OF ENFORCEMENT FILES
AT COMMISSION FIELD OFFICES
OCTOBER 1985 THROUGH OCTOBER 1988

<u>Field Office</u>	<u>Number of Files Reviewed</u>	<u>Cases Involving Lack of Insurance</u>	<u>Cases With No Evidence of Follow-Up Activity</u>
Sacramento	29	25	12
San Bruno	30	27	8
Los Angeles	<u>30</u>	<u>22</u>	<u>15</u>
Total	<u>89</u>	<u>74</u>	<u>35</u>

The chief of the commission's Compliance and Enforcement Branch has stated that, because of very limited resources, the field offices have not always conducted follow-up activities in cases involving the lack of insurance. Since October 1988, the commission has transferred or added a total of six positions to the branch. As of January 1989, the commission had filled five of these positions, all of which can be used to increase the branch's enforcement activities against illegal operators. The branch chief also stated that field office staff may assign a lower priority to follow-ups of insurance suspension cases because staff may be continually receiving complaints and high-priority assignments pertaining to both property and passenger carriers, and because insurance suspensions sometimes result from insurance companies failing to file required certificates with the commission promptly.

State law requires that operators of limousine services carry adequate insurance to retain valid permits. If operators of limousine services continue to operate after the commission has suspended or revoked their permits, the public may unknowingly procure uninsured limousine services.

CONCLUSION

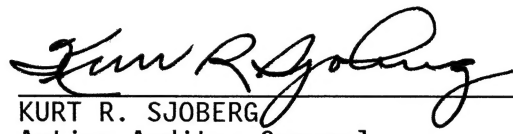
The field offices of the California Public Utilities Commission are required to conduct follow-up activities to ensure that limousine operators stop conducting business when the commission suspends or revokes an operator's permit for a lack of insurance. The three field offices that we visited have taken enforcement actions against some limousine operators who have violated state law during the past two years. However, we found no evidence that field office staff conducted follow-up activities in 35 of 74 instances in which the commission had suspended or revoked an operator's permit because the operator lacked proof of insurance. Moreover, 7 of these operators were providing limousine services without valid permits as of December 1988. The chief of the commission's Compliance and Enforcement Branch has stated that the commission's field offices cannot always follow up in these matters because of limited staff.

RECOMMENDATION

To ensure that limousine operators without adequate insurance stop conducting business, the California Public Utilities Commission should determine by July 1, 1989, whether the six positions that it transferred or added to the Transportation Division's Compliance and Enforcement Branch as of January 1989 will enable the branch's field offices to conduct follow-up activities in these cases. If the field offices are still unable to conduct such activities, the commission should either reassign additional staff to the branch or collect additional fees from passenger carriers to pay for increased staff.

We conducted this review under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted


KURT R. SJOBERG
Acting Auditor General

Date: January 23, 1989

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January 19, 1989

Kurt R. Sjoberg
Acting Auditor General
660 J. Street, Suite 300
Sacramento, CA 95814

Dear Mr. Sjoberg:

The Commission staff has reviewed the draft audit report on the regulation of limousine operators. Generally, we do not take issue with the findings and recommendations set forth in the report.

As the report notes, the Transportation Division recently augmented the staff assigned to passenger carrier enforcement. It is expected that the increase in staff will have a significant effect on the unlicensed carrier problem. It should enable the Division to investigate and prosecute unlicensed carriers who advertise in telephone directories as required under Chapter 916, Statutes of 1988. However, if the additional positions prove to be insufficient to alleviate the problem, we will seek means to further increase staff devoted to this function.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth K. Henderson".

KENNETH K HENDERSON, Director
Transportation Division

cc: President G. Mitchell Wilk
Victor Weisser, Executive Director

cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps